

HOUSE BILL No. 5912

June 9, 1992, Introduced by Reps. Ostling, Porreca, Jamian, Hoffman, McBryde, Middaugh, Gnodtke, Strand, Dolan, Bodem, Jaye, Rocca, Johnson, London, Bender, Horton, Nye, Oxender, Brackenridge, O'Connor, Dalman, Middleton, Dobb, Goss, Bobier, Gernaat, Gilmer, Shugars, Bankes, DeLange, Willis Bullard, Martin, Van Singel, Munsell, Knight, Sikkema and Walberg and referred to the Committee on Judiciary.

A bill to amend sections 2 and 7 of Act No. 150 of the Public Acts of 1974, entitled "Youth rehabilitation services act," section 2 as amended by Act No. 76 of the Public Acts of 1988 and section 7 as amended by Act No. 90 of the Public Acts of 1991, being sections 803.302 and 803.307 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 7 of Act No. 150 of the Public
2 Acts of 1974, section 2 as amended by Act No. 76 of the Public
3 Acts of 1988 and section 7 as amended by Act No. 90 of the Public
4 Acts of 1991, being sections 803.302 and 803.307 of the Michigan
5 Compiled Laws, are amended to read as follows:

6 Sec. 2. As used in this act:

1 (a) "Department" means the state department of social
2 services.

3 (b) "State ward" means ~~either of the following: (i) A~~ A
4 person accepted for care by the department who is at least 12
5 years of age at the time committed to the department by the juve-
6 nile division of a probate court under section 18(1)(e) of chap-
7 ter XIIA of Act No. 288 of the Public Acts of 1939, as amended,
8 being section 712A.18 of the Michigan Compiled Laws, if the court
9 acquired jurisdiction over the person pursuant to section 2(a) or
10 (d) of chapter XIIA of Act No. 288 of the Public Acts of 1939, as
11 amended, being section 712A.2 of the Michigan Compiled Laws, and
12 if the act for which the youth is committed occurred before his
13 or her seventeenth birthday.

14 ~~(ii) A person accepted for care by the department who is at~~
15 ~~least 15 years of age at the time committed to the department by~~
16 ~~the court of general criminal jurisdiction under section 1 of~~
17 ~~chapter IX of the code of criminal procedure, Act No. 175 of the~~
18 ~~Public Acts of 1927, being section 769.1 of the Michigan Compiled~~
19 ~~Laws, and if the act for which the youth is committed occurred~~
20 ~~before his or her seventeenth birthday.~~

21 Sec. 7. (1) A youth accepted by the department shall remain
22 a ward of the state until discharged from state wardship with the
23 approval of any of the following and, if placed in an institu-
24 tion, shall remain until released with the approval of any of the
25 following:

26 ~~(a) Until June 1, 1991 and except as otherwise provided in~~
27 ~~subdivisions (b) and (d), with the approval of the youth parole~~

~~1 and review board under section 121 of the social welfare act, Act~~
~~2 No. 280 of the Public Acts of 1939, being section 400.121 of the~~
~~3 Michigan Compiled Laws.~~

4 (A) ~~(b)~~ If the youth was committed to the department under
5 section 18(1)(e) of chapter XIIA of Act No. 288 of the Public
6 Acts of 1939, being section 712A.18 of the Michigan Compiled
7 Laws, for an offense which, if committed by an adult, would be
8 punishable by imprisonment for more than 1 year or an offense
9 expressly designated by law to be a felony, with the approval of
10 the juvenile division of the probate court.

11 (B) ~~(c)~~ If the youth was committed to the department under
12 section 18(1)(e) of chapter XIIA of Act No. 288 of the Public
13 Acts of 1939, and the youth was adjudicated as being in the
14 court's jurisdiction under section 2(a) of chapter XIIA of Act
15 No. 288 of the Public Acts of 1939, being section 712A.2 of the
16 Michigan Compiled Laws, with the approval of the juvenile divi-
17 sion of the probate court. This subdivision ~~shall take~~ TAKES
18 effect June 1, 1991 and applies to a youth in the custody of the
19 department on or after that date regardless of when the youth was
20 committed to the department.

21 ~~(d) If the youth was committed to the department under sec-~~
22 ~~tion 1 of chapter IX of the code of criminal procedure, Act~~
23 ~~No. 175 of the Public Acts of 1927, being section 769.1 of the~~
24 ~~Michigan Compiled Laws, with the approval of the court of general~~
25 ~~criminal jurisdiction under section 1b of chapter IX of the code~~
26 ~~of criminal procedure, Act No. 175 of the Public Acts of 1927,~~
27 ~~being section 769.1b of the Michigan Compiled Laws.~~

1 (2) Except as otherwise provided in this subsection, a youth
 2 accepted as a state ward shall be automatically discharged from
 3 state wardship upon reaching the age of 19. A youth committed to
 4 the department under section 18(1)(e) of chapter XIIA of Act
 5 No. 288 of the Public Acts of 1939, for an offense ~~which~~ THAT,
 6 if committed by an adult, would be a violation or attempted vio-
 7 lation of section 72, 83, 84, 88, 89, 91, 316, 317, 349, 520b,
 8 520c, 520d, 520g, 529, or 530 of the Michigan penal code, Act
 9 No. 328 of the Public Acts of 1931, being sections 750.72,
 10 750.83, 750.84, 750.88, 750.89, 750.91, 750.316, 750.317,
 11 750.349, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, and
 12 750.530 of the Michigan Compiled Laws, or section 7401(2)(a)(i)
 13 or 7403(2)(a)(i) of the public health code, Act No. 368 of the
 14 Public Acts of 1978, being sections 333.7401 and 333.7403 of the
 15 Michigan Compiled Laws, shall be automatically discharged from
 16 state wardship upon reaching the age of 21. ~~A youth committed~~
 17 ~~to the department under section 1 of chapter IX of the code of~~
 18 ~~criminal procedure, Act No. 175 of the Public Acts of 1927, being~~
 19 ~~section 769.1 of the Michigan Compiled Laws, shall be automati-~~
 20 ~~cally discharged from state wardship upon reaching the age of~~
 21 ~~21.~~

22 Section 2. This amendatory act shall not take effect unless
 23 Senate Bill No. __ or House Bill No. ⁵⁹¹³ (request no. 05976'92) of
 24 the 86th Legislature is enacted into law.